

FILED

1 MILES L. KAVALLER, A PROF. LAW CORP.  
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2012 JUN 12 PM 2:18

CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

5 Attorney for Plaintiffs, HARTFORD FIRE INSURANCE  
6 COMPANY AND MJC ENGINEERING & TECHNOLOGY, INC.

BY \_\_\_\_\_

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8  
9 UNITED STATES DISTRICT COURT  
10  
11 CENTRAL DISTRICT OF CALIFORNIA

12 HARTFORD FIRE INSURANCE  
13 COMPANY AND MJC ENGINEERING &  
14 TECHNOLOGY, INC.,

) Case No. CV

CV12-5110

-MWF  
(EF)

15 Plaintiff,

) COMPLAINT FOR DAMAGED  
16 ) CARGO UNDER CARRIAGE OF  
17 ) GOODS BY SEA ACT.

18 vs.

) (46 U.S.C. §§30701, et seq.)

)

19 TOTAL TERMINALS INTERNATIONAL,  
20 LLC, PORTS AMERICA, INC.,

)

21 Defendants.

)

)

)

)

22 Plaintiffs HARTFORD FIRE INSURANCE COMPANY ("Hartford") and MJC  
23 ENGINEERING & TECHNOLOGY, INC. ("MJC") (hereinafter sometimes referred to  
24 collectively as "Plaintiffs") by and through their attorney Miles L. Kavaller, Esq. of  
25 Miles L. Kavaller, A Professional Law Corporation, for their Complaint against  
26 Defendants TOTAL TERMINALS INTERNATIONAL LLC, ("TTI") and PORTS  
27 AMERICA, INC. ("PAI") allege as follows.

## I. JURISDICTION AND VENUE.

1. This United States District Court has jurisdiction over the parties and the subject matter of this action under 28 U.S.C. §1337 in that the claims of the Plaintiffs arise under federal law regulating commerce, to wit: the Carriage of Goods by Sea Act, 46 U.S.C. §30701, et seq. (hereinafter “COGSA”).

2.      Venue in this Central District of California is proper under 28 U.S.C. §1391 in that the acts complained of occurred in Long Beach, California and the parties conduct business in this district.

## II. THE PARTIES.

3. At all times herein mentioned, Plaintiff, Hartford Fire Insurance Company ("Hartford") was and is a corporation organized and existing under the laws of the State of Connecticut with its principal place of business in Hartford, Connecticut and is qualified to do business in the State of California. Hartford is in the business of an insurance company.

4. At all times herein mentioned, Plaintiff, MJC was and is a corporation organized and existing under the laws of the state of California with its principal place of business in Huntington Beach, California. MJC is in the business of manufacturing heavy duty spinning machines.

5. At all times herein mentioned, Defendant, Total Terminals International, LLC, ("TTI"), was and is a limited liability company organized and existing under the laws of the state of California with its principal place of business in Long Beach, California. TTI is in the business of a marine terminal and stevedore operator and/or warehouseman.

6. At all times herein mentioned, Defendant Ports America, Inc., ("Ports America"), was and is a corporation organized and existing under the laws of one of the states of the United States with its principal place of business in Iselin, New Jersey and at all times material was authorized to, and doing business in, California with offices

1 and/or agency in Long Beach, California. Ports America is in the business of a terminal  
2 operator and stevedore.

3 **FIRST CLAIM UNDER COGSA: UNREASONABLE DEVIATION.**

4 7. This action involves damage and loss to one of two custom built, precision  
5 spinning machines, being shipped from the Plaintiff, MJC in Huntington Beach,  
6 California, to Sumec International Technology Company in Shanghai, China. The  
7 spinning machine at issue was in good order and condition at origin but was not  
8 delivered at destination in like good order and condition; rather, there was damage and  
9 loss which occurred in the terminal prior to loading the cargo onto the ship.

10 8. Plaintiff, MJC, is and was at all times material the owner of, and had an  
11 insurable interest in, the spinning machine. The value of the machine stated on the bill of  
12 lading is \$1,050,000.00.

13 9. Plaintiff, Hartford, insured the spinning machine in question under a policy  
14 of insurance.

15 10. Leman USA, Inc., a non-vessel operating common carrier, contracted with  
16 MJC, the "Shipper/Exporter" named in the bill of lading, to transport the spinning  
17 machine and issued a "Door to Port" combined transport bill of lading for the shipment,  
18 B/L # 840-0157228, a copy of which is attached hereto as Exhibit A.

19 11. COSCO Container Lines Americas, Inc. ("COSCO") is a common carrier  
20 for hire, shipping agent, freight forwarder and/or warehouseman. COSCO booked the  
21 shipment at issue for ocean carriage and issued a Confirmed Booking. COSCO owned,  
22 operated, maintained, and/ or supplied the flat rack container and chassis used in the  
23 transport of the spinning machine.

24 12. Lester Box, Inc. located in Long Beach, holds itself out to be in the  
25 business of packing, crating and securing shipments for ocean transport. Lester Box had  
26 performed this service for MJC on similar machines several times before the shipment at  
27 issue and packed and crated the two spinning machines to be transported, including  
28

1 securing, blocking, and bracing the spinning machines within their crates.

2       13. Walker Brothers rigged and secured the crate to the flat rack containers  
3 upon which both spinning machines were shipped, including placement and lashing the  
4 cargo on the flat racks, and loaded the cargo and flat racks on the two chassis of  
5 Southern Counties Express, Inc. which transported them from MJC to the terminal  
6 facilities of TTI in Long Beach.

7       14. Defendant, TTI, accepted both spinning machines into its care, custody,  
8 and control, transferred the cargo from the two Southern Counties chassis to two chassis  
9 of its own supplied by COSCO and/or Flexi-Van and was backing the cargo into a space  
10 within the terminal at which time the chassis and the spinning machine at issue tipped  
11 over and fell to the ground causing severe damage and rendering the spinning machine a  
12 total loss.

13       15. Defendant, PAI provided the longshoreman utilized by TTI to move the  
14 cargo within the TTI terminal to a parking space to await loading aboard the ocean  
15 vessel.

16       16. On or about October 12, 2011, while the tractor and chassis containing the  
17 spinning machine in question was being backed into a parking space at the TTI terminal,  
18 the chassis tipped over and the spinning machine fell to the ground causing severe  
19 damage and a total loss. Among other things, the survey reports prepared by various  
20 parties including TTI, noted that the PAI and or TTI employees failed to secure the flat  
21 rack on which the spinning machine was transported and secured to the chassis to which  
22 the cargo was transferred after delivery by Southern Counties Express, using the locking  
23 pins. Further, although the spinning machines were transported by Southern Counties  
24 Express on "low-boy" trailers specifically designed for the transport of heavy machinery,  
25 known as "out of gauge", TTI transferred the two spinning machines from the "low-  
26 boy" trailers to standard flat bed trailers thereby raising the center of gravity by two to  
27 three feet. Further, the seven of eight tires on the chassis on which the spinning machine  
28 was transported in the TTI terminal were in poor condition. Taken together, these

1 deficiencies caused the chassis to tip and the spinning machine to fall off the chassis and  
2 to the ground.

3       17. Plaintiff, MJC, made a claim under its policy of insurance with Plaintiff,  
4 Hartford, and Hartford is subrogated to the interest of MJC to the extent of its payment  
5 under the policy of insurance.

6       18. Plaintiff, MJC, has been damaged to the extent that its out of pocket  
7 payments proximately caused by the cargo damage and loss are not covered under the  
8 Hartford policy of insurance.

9       19. Plaintiffs, Hartford and MJC, have complied with any and all conditions  
10 precedent to suit, or any such conditions have been excused.

11       20. Plaintiffs have filed a claim and otherwise demanded reimbursement of the  
12 loss of \$1,050,000 from the Defendants and each of them which have been rejected and  
13 no payment has been made.

14       21. COGSA § 3(2), 46 U.S.C. 30704, prohibits a carrier from inserting  
15 in its bill of lading a provision avoiding its liability to carefully load, handle, stow, keep,  
16 care for, and discharge the goods carried. Accordingly, those including Defendants TTI  
17 and PAI whose activities are covered under the bill of lading have a contractual and  
18 statutory duty to exercise due care in the handling of "Shipper/Exporter" MJC's cargo.

19       27. Defendants TTI and PAI violated that duty by their conduct as  
20 alleged in paragraph 16 herein.

21       28. The conduct of Defendants TTI and PAI as herein alleged constitutes an  
22 unreasonable deviation and deprives them of the benefit of the \$500 per package liability  
23 limitation under §16(a) of the bill of lading.

24       29. Plaintiffs have therefore been damaged in the sum of \$1,050,000 and seek  
25 recovery thereof from Defendants TTI and PAI, jointly and severally, together with  
26 prejudgment interest and costs of suit.

27       ///  
28

1 WHEREFORE, Plaintiffs, HARTFORD FIRE INSURANCE COMPANY and MJC  
2 ENGINEERING & TECHNOLOGY, INC. pray for judgment against the Defendants,  
3 LEMAN USA INC., TOTAL TERMINALS INTERNATIONAL and LLC, PORTS AMERICA,  
4 INC. In the sum of \$1,050,000, together with prejudgment interest from October 13,  
5 2011, costs and such other and further relief as the Court deems just.

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7 Dated: May 29, 2012

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MILES L. KAVALLER,  
A PROFESSIONAL LAW CORP.

By:

Miles L. Kavaller, Esq.  
Attorney for Plaintiffs,  
HARTFORD FIRE INSURANCE COMPANY and  
MJC ENGINEERING & TECHNOLOGY, INC.

COMBINED TRANSPORT BILL OF LADING

Cerro Insurance Group has endorsed and invited select brokers to join its network.

**TOTAL**

Issued At INGLEWOOD, CA

FMCR:2008/NE

Office Licing No  
840-0157228  
Departure Date  
2011/10/15  
Page 2 of Page 2

## CONTINUATION FORM L

PARTICULARS FURNISHED BY SHIPPER			
Marks and Numbers	No. of Pkg/Cont	Kinds of Packages; Description of Goods	Gross Weight
SHIPPER'S WEIGHT, LOAD & COUNT	6	<p>DESCRIPTION OF GOODS: CNC SPINNING NECK-IN WORKSTATION, 2 SETS MODEL: OSC-16,200 UNIT PRICE: USD 1,050,000.00 TOTAL PRICE: USD 2,100,000.00 PORT TERM: CIF SHANGHAI SHIPPING MARK: SUMEC/ZN1101-01 SHANGHAI, CHINA AES ITN : X20111011027228</p> <p>ON BOARD 2011/10/15 FREIGHT PREPAID</p> <p>THESE COMMODITIES, TECHNOLOGY OR SOFTWARE WERE EXPORTED FROM THE UNITED STATES IN ACCORDANCE WITH THE EXPORT ADMINISTRATION REGULATIONS. DIVERSION CONTRARY TO U.S. LAW IS PROHIBITED</p>	<p>67410 KG (148629.72LB (12711.6 CF)</p> <p>360 M3</p>



**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY**

This case has been assigned to District Judge Michael Fitzgerald and the assigned discovery Magistrate Judge is Charles Eick.

The case number on all documents filed with the Court should read as follows:

**CV12- 5110 MWF (Ex)**

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

**NOTICE TO COUNSEL**

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

**Western Division**  
312 N. Spring St., Rm. G-8  
Los Angeles, CA 90012

**Southern Division**  
411 West Fourth St., Rm. 1-053  
Santa Ana, CA 92701-4516

**Eastern Division**  
3470 Twelfth St., Rm. 134  
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET

<b>I (a) PLAINTIFFS</b> (Check box if you are representing yourself <input checked="checked" type="checkbox"/> ) HARTFORD FIRE INSURANCE COMPANY AND MJC ENGINEERING & TECHNOLOGY, INC.	<b>DEFENDANTS</b> TOTAL TERMINALS INTERNATIONAL, LLC, PORTS AMERICA, INC.																
<b>(b) Attorneys</b> (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) MILES L. KAVALLER, A PROF. LAW CORP., 5850 Canoga Ave., Suite 250, WOODLAND HILLS, CALIFORNIA 91367	<b>Attorneys (If Known)</b>																
<b>II. BASIS OF JURISDICTION</b> (Place an X in one box only.)																	
<input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="checked" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)  <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table border="0" style="width: 100%;"> <tr> <td style="width: 50px; text-align: center;">PTF</td> <td style="width: 50px; text-align: center;">DEF</td> <td style="width: 50px; text-align: center;">PTF</td> <td style="width: 50px; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State <input type="checkbox"/> 1</td> <td>Citizen of This State <input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State <input type="checkbox"/> 4</td> <td>Incorporated or Principal Place of Business in this State <input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State <input type="checkbox"/> 2</td> <td>Citizen of Another State <input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State <input type="checkbox"/> 5</td> <td>Incorporated and Principal Place of Business in Another State <input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country <input type="checkbox"/> 3</td> <td>Citizen or Subject of a Foreign Country <input type="checkbox"/> 3</td> <td>Foreign Nation <input type="checkbox"/> 6</td> <td>Foreign Nation <input type="checkbox"/> 6</td> </tr> </table>	PTF	DEF	PTF	DEF	Citizen of This State <input type="checkbox"/> 1	Citizen of This State <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State <input type="checkbox"/> 4	Incorporated or Principal Place of Business in this State <input type="checkbox"/> 4	Citizen of Another State <input type="checkbox"/> 2	Citizen of Another State <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State <input type="checkbox"/> 5	Incorporated and Principal Place of Business in Another State <input type="checkbox"/> 5	Citizen or Subject of a Foreign Country <input type="checkbox"/> 3	Citizen or Subject of a Foreign Country <input type="checkbox"/> 3	Foreign Nation <input type="checkbox"/> 6	Foreign Nation <input type="checkbox"/> 6
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Citizen or Subject of a Foreign Country <input type="checkbox"/> 3	Citizen or Subject of a Foreign Country <input type="checkbox"/> 3	Foreign Nation <input type="checkbox"/> 6	Foreign Nation <input type="checkbox"/> 6														

**IV. ORIGIN** (Place an X in one box only.)  
 1 Original       2 Removed from State Court       3 Remanded from Appellate Court       4 Reinstated or Reopened       5 Transferred from another district (specify):  
 6 Multi-District Litigation       7 Appeal to District Judge from Magistrate Judge

**V. REQUESTED IN COMPLAINT: JURY DEMAND:**  Yes       No (Check 'Yes' only if demanded in complaint.)  
**CLASS ACTION under F.R.C.P. 23:**  Yes       No      **MONEY DEMANDED IN COMPLAINT:** \$ 1,050,000

**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

COGSA § 3 (2), 46 U.S.C. 30704: DAMAGE TO CARGO

<b>VII. NATURE OF SUIT</b> (Place an X in one box only.)					
<b>OTHER STATUTES</b> <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/ Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="checked" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	<b>CONTRACT</b> <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>TORTS</b> <input type="checkbox"/> PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<b>TORTS</b> <input type="checkbox"/> PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/ Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	
<b>LABOR</b>					
<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act					
<b>PROPERTY RIGHTS</b>					
<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other					
<b>SOCIAL SECURITY</b>					
<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))					
<b>FEDERAL TAX SUITS</b>					
<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609					

**FOR OFFICE USE ONLY:** Case Number: **CV12-5110**  
AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEETVIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed?  No  Yes

If yes, list case number(s): \_\_\_\_\_

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case?  No  Yes

If yes, list case number(s): \_\_\_\_\_

Civil cases are deemed related if a previously filed case and the present case:

(Check all boxes that apply)

- A. Arise from the same or closely related transactions, happenings, or events; or
- B. Call for determination of the same or substantially related or similar questions of law and fact; or
- C. For other reasons would entail substantial duplication of labor if heard by different judges; or
- D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.

 Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
LOS ANGELES	CONNECTICUT

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.

 Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
LOS ANGELES	NEW JERSEY

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.

Note: In land condemnation cases, use the location of the tract of land involved.

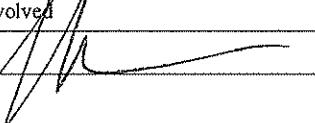
County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
LOS ANGELES	

\* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER): \_\_\_\_\_

Date

 5/29/12

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))

UNITED STATES DISTRICT COURT

for the  
CENTRAL District of CALIFORNIA

HARTFORD FIRE INSURANCE COMPANY AND MJC ENGINEERING  
& TECHNOLOGY, INC.

*Plaintiff*

v.

TOTAL TERMINALS INTERNATIONAL, LLC,  
PORTS AMERICA, INC.

*Defendant*

)  
)  
)  
)  
)

Civil Action No.

CV12-5110-MWF  
(Ex)

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

TOTAL TERMINALS INTERNATIONAL, LLC, 301 HANJIN ROAD, LONG BEACH, CALIFORNIA  
90802  
PORTS AMERICA, INC., 99 WOOD AVENUE SOUTH, ISELIN, NEW JERSEY 08830-2715

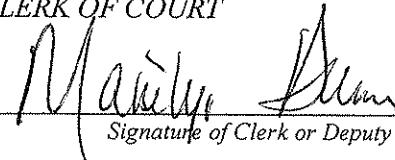
A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: MILES L. KAVALLER, A PROFESSIONAL LAW CORP., 5850 CANOGA AVE., SUITE 250, WOODLAND HILLS, CALIFORNIA 91367

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: JUN 12 2012

CLERK OF COURT



Signature of Clerk or Deputy Clerk

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4(l))*

This summons for (name of individual and title, if any) \_\_\_\_\_  
was received by me on (date) \_\_\_\_\_.

I personally served the summons on the individual at (place) \_\_\_\_\_  
on (date) \_\_\_\_\_; or

I left the summons at the individual's residence or usual place of abode with (name) \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on (date) \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on (name of individual) \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of (name of organization) \_\_\_\_\_  
on (date) \_\_\_\_\_; or

I returned the summons unexecuted because \_\_\_\_\_; or

Other (specify): \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

*Server's signature*

*Printed name and title*

*Server's address*

Additional information regarding attempted service, etc: